IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR. JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 13166 of 2004

Between:

Smt.Y.Fathima Mary, W/o.Baltha Reddy, Aged 40 years,
Christian, R/o.Basuregadi village, Girmapur Post,

Medchal Mandal, Ranga Reddy District.

..... PETITIONER

AND

1. Deputy Transport Commissioner & Secretary,

Regional Transport Authority, Ranga Reddy District.
2 Motor Vehicle Inspector, Sanga Reddy, Medak District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or direction, more particularly one in the nature of writ of Mandamus declaring the seizure and continued detention of the petitioner's vehicle LMV Motor Tractor Trailer bearing R. No.A.P.28/T-5371 and A.P.28/T-5372 seized under vehicle check report No.265212 dt.10-06-2004 by the Motor Vehicle Inspector, Sanga Reddy, Medak District, the 2nd respondent as arbitrary, illegal and unconstitutional and without jurisdiction and consequently direct the release of the vehicle forthwith to the petitioner.

Counsel for the Petitioner: MR.RAJANIKANTH JWALA

Counsel for the Respondent Nos.1&2: GP FOR TRANSPORT

The Court at the admission stage made the following :

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THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

WRIT PETITION No.13166 OF 2004

ORDER:

The petitioner is the owner of LMV Motor tractor and trailor bearing Nos.A.P.28/T-5371 and A.P.28/T-5372. The petitioner mentioned in her petition that the permit obtained for the said vehicles was valid till 01.08.2000. She stopped plying the vehicle when it came up for repairs. When she was making a trial run of the vehicle on 10.06.2004 the second respondent stopped the said vehicle and enquired about the documents of the vehicle and verified the documents available with the vehicle. She further contends that though there were valid documents to the vehicle, the second respondent seized the vehicle and prepared a check report on the same day by mentioning that the vehicle was proceeding with two bags of rice and without valid documents. The petitioner being aggrieved by the seizure of the vehicle, approached the first respondent through a representation dated 23.07.2004. The first respondent orally informed her that the vehicle would not be released except under the Court orders. Therefore, she approached this Court seeking a direction to the first respondent to release the vehicle for interim custody.

The petitioner in her affidavit concedes that the permit of the vehicle lapsed in the year 2000. She brought a Judgment of a Division Bench of this Court in *Saleem Tours and Travels v. Joint Transport Commissioner and Secretary, RTA, Hyderabad and another* to the notice of this Court and requested to pass similar orders.

In the above Judgment, the Court passed the orders for the release of the vehicle, when it was seized on the ground that there was violation of the conditions of the permit. In this case, there is no valid permit to the petitioner to ply the vehicle and she did not make any application for the renewal of the permit till now. If the vehicle

is released even for interim custody and if the petitioner plies the vehicle on the road, it is likely to lead to any untoward incident.

Therefore, it is not desirable to pass any interim order for the release of the vehicle for interim custody since the petitioner made an application to the first respondent for release of the vehicle, the first respondent is directed to pass appropriate orders on the application of the petitioner regarding her request for release of the vehicle for interim custody and communicate the same within two weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of at the stage of admission. No order as to costs.

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(DR.G.YETHIRAJULU,J)

Date: 29th July, 2004.

CS

NOTE:

Issie C.C.in three days.

(B/O)

CS

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Deputy Transport Commissioner and Secretary, Regional Transport Authority, Ranga Reddy District.
2. The Motor Vehicle Inspector, Sanga Reddy, Medak District.
3. Two C.Cs. to the Government Pleader for Transport, High Court Buildings, Hyderabad. (O.U.T.)

4. Two C.D. copies.